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Action

Public Hearing

Proposed Amendments to 5 California Code of Regulations §80413 Pertaining to Specific Requirements for Preliminary and Clear Multiple and Single Subject Teaching Credentials for Applicants Prepared in California

Executive Summary: The proposed amendments to 5 California Code of Regulations §80413 Pertaining to Specific Requirements for Preliminary and Clear Multiple and Single Subject Teaching Credentials for Applicants Prepared in California are presented for public hearing.

Recommended Action: Staff recommends that the Commission adopt the proposed amendments to 5 California Code of Regulations §80413.

Presenter: Terri H. Fesperman, Consultant, Certification, Assignment and Waivers Division

Strategic Plan Goal: 1

Promote educational excellence through the preparation and certification of professional educators

- ◆ Grant credentials, certificates and permits as set out in regulation and statute

August 2008

Proposed Amendments to 5 California Code of Regulations §80413 Pertaining to Specific Requirements for Preliminary and Clear Multiple and Single Subject Teaching Credentials for Applicants Prepared in California

Introduction

The proposed amendments to 5 California Code of Regulations §80413 pertaining to Specific Requirements for Preliminary and Clear Multiple and Single Subject Teaching Credentials for Applicants Prepared in California are being presented for public hearing. Included in this item are the background of the proposed regulations, a brief discussion of the proposed changes, and the financial impact. Also included are the responses to the notification of the public hearing.

Background

Currently 5 California Code Regulations §80413(b)(2) provides that effective August 30, 2004, completion of a Commission approved program of beginning teacher induction is required to earn a (professional) clear single subject and multiple subject teaching credential. If a beginning teacher is eligible for induction but an employing agency verifies that induction is not available or the employing agency verifies that the beginning teacher is required under the federal No Child Left Behind Act (NCLB) to complete subject matter course work to be qualified for a teaching assignment, he or she may complete a Commission-accredited fifth year of study program. Induction, as defined by the Commission's adopted *Standards of Quality and Effectiveness for Professional Teacher Induction Programs*, is a standards-based job-embedded process of applying and demonstrating theory and knowledge acquired in the preliminary preparation program with the support and assistance of a support provider leading to the clear credential recommendation.

An employing agency is defined in the regulations as including public school districts, county offices of education, schools that operate under the direction of a California state agency, nonpublic, nonsectarian schools and agencies, charter schools and private schools. These agencies will determine the method by which the beginning teacher will complete the requirements to earn the clear credential, by induction or a fifth year of study. State funding is available to support induction for all individuals employed in the public schools in California in their first and second year of teaching on a preliminary multiple or single subject teaching credential. Individuals employed in private schools or other teaching positions, but not K-12 public schools, may participate in an approved induction program but are not supported by state funding. Preliminary multiple and single subject credential holders who are employed as day-to-day substitutes, individuals who move out of California prior to completing the clear credential requirements, and individuals who are employed by an entity that is not a school or who are not

employed are not eligible for induction, consequently, they are not eligible to participate in the fifth year of study.

As a result, for these individuals neither state funded induction or a fifth year of study can be completed to earn the clear credential. These individuals might be eligible to complete a university-based induction program, should one be available. Currently, a preliminary credential is valid for five years. The expectation is that the vast majority of individuals who earn a preliminary multiple subject or single subject credential will be employed as a K-12 teacher within those five years and therefore able to complete the clear credential program through induction. (The clear credential program is completion of either a Commission-approved induction program or a Commission-accredited fifth year of study.) But it is now clear that a small percentage of individuals who hold preliminary multiple or single subject credentials are not able to participate in induction and are not employed by entities that can waive the induction requirement to allow the individual to complete a fifth year of study. Beginning in September 2009, there will be individuals who hold preliminary credentials that will expire and the individual will not have had the opportunity to earn the clear credential.

Following discussions with stakeholders from the induction and university communities, it appears there is broad agreement that individuals who earn the clear credential should have demonstrated the skills and abilities as defined by the clear credential program standards. Stakeholders have also expressed concern for individuals who earned the preliminary credential but have not been able to find a teaching position in a public school and therefore have not had the opportunity to complete induction.

Proposed Changes to Regulation

§80413(a)(2) Updates the basic skills requirement in alignment with recent changes in statute.

§80413(a)(8) Clarifies how approved programs, other than institutions of higher education, can verify completion of the approved program.

§80413(b) and (c) As a result of the passage of SB 1209 (Chap. 517, Stats. 2006) and the deletion of Education Code sections 44270.1 and 44277, professional growth is no longer a requirement to earn a ‘professional’ clear credential and the Commission has returned to issuing clear credentials. In addition, grammatical errors are being corrected.

§80413(d) Adds conditions and requirements to extend a credential for a two-year period (induction is generally a two-year program) for individuals employed in a position for which they may complete the clear credential program but need additional time to complete the requirements are described in the subsection.

§80413(e) Adds conditions and requirements to extend a credential for a three-year period for individuals who have not completed a clear credential program as described in the subsection.

Adds a requirement that the individual must certify that he or she was not employed or not employed long enough in a position for which the clear credential program was available will

keep an individual from obtaining the two-year extension in subsection (d) and then obtaining the three-year extension in subsection (e).

§80413(f)(1) Defines which employing agencies can determine if preliminary credential holders may participate in a Commission-approved fifth year program. The expanded definition for ‘employing agency’ adds juvenile court schools and juvenile and adult correction because these are employment situations where a Commission-approved Induction Program may be offered.

§80413(f)(3) Adds a definition for ‘clear credential program’ for clarification. The proposed regulations allow for three options:

1) A two-year extension for individuals employed in a position for which they may complete the clear credential program but need additional time to complete the requirements. *[subsection (d)]*

If an individual has not been able to find employment as a teacher, then his or her preliminary credential would expire. Every individual has the right to request an extension of an expired credential. When the individual finds employment and therefore needs the credential, then he or she would request an extension of the preliminary credential providing information including verification of employment. This will allow the individual to be employed as a teacher and participate in an induction program to earn the clear credential. If the individual did not complete the renewal requirements for a reason such as illness, an additional one-year extension may be issued on a case-by-case situation.

2) A three-year extension for individuals who have not completed the requirements to earn a clear credential and are not in a position whereby they may complete the clear credential program. The individual needs to hold a multiple or single subject credential to serve in his/her current assignment. The individual would have additional time to seek a position that would allow for completion of the clear credential program. An individual may gain employment in a position that allows for completion of the requirements within the three years and earn the clear credential. *[subsection (e)]*

The recommendation from stakeholders from the induction and university communities is that an individual should be allowed to request a one-time renewal of the preliminary credential for three years. Included in the application would be a statement from the individual explaining why induction was not completed in the five years of the preliminary credential and describing the plan to complete the clear credential program within the three-year time period of the extension. In addition, the individual will need to certify that he or she was not employed in a position for which the clear credential program was available.

An individual who has been issued the two-year extension in #1 is not eligible for the three-year extension in #2 as an individual must certify that he or she was not employed in a position for which the clear credential program was available to earn the three-year extension. If an individual does not complete the clear credential program during the two-year extension because he/she was negligent, the three year extension would not be available. *[subsection (e)(2)(B)(ii)]*

3) An individual who received a three-year extension of their preliminary credential as noted in #2 may extend the credential for an additional two years as noted in #1 if he or she gains employment in a position that allows for completion of the requirements after the three-year extension. This would allow for the additional time necessary to earn the clear credential.

Disclosures Regarding the Proposed Actions

The Commission has made the following initial determinations:

Mandate to local agencies or school districts: None.

Other non-discretionary costs or savings imposed upon local agencies: None.

Cost or savings to any state agency: None.

Cost or savings in federal funding to the state: None.

Significant effect on housing costs: None.

Significant statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states: None.

These proposed regulations will not impose a mandate on local agencies or school districts that must be reimbursed in accordance with Part 7 (commencing with Section 17500) of the Government Code.

Cost impacts on a representative private person or business: The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Assessment regarding the creation or elimination of jobs in California [Govt. Code §11346.3(b)]: The Commission has made an assessment that the proposed amendments to the regulation would not (1) create nor eliminate jobs within California, (2) create new business or eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within California.

Effect on small businesses: The Commission has determined that the proposed amendment to the regulations does not affect small businesses. The regulations are not mandatory but an option that affects school districts and county offices of education.

Notice of Proposed Rulemaking Mailing List and Responses

Mailing List

- Members of the California Commission on Teacher Credentialing
- California County Superintendents of Schools
- Credential Analysts at the California County Superintendents of Schools Offices
- Superintendents of Selected California School Districts
- Deans and Directors at the California Institutions of Higher Education with Commission-accredited programs

- Credential Analysts at the California Institutions of Higher Education with Commission-accredited programs
- Presidents of Selected Professional Educational Associations

Also placed on the Internet at <http://www.ctc.ca.gov>.

Tally of Responses

As of July 16, the Commission had received the following written responses to the public announcement:

<i>Support</i>	<i>Opposition</i>
0 organizational opinions	0 organizational opinion
3 personal opinions	0 personal opinion
Total Responses: 3	

Responses Representing Individuals in Support

1. Marina Fata, Credential Analyst, Touro University

2. Christina Fernandez, Credentialed teacher

Comment: In 2004 I started my journey of changing careers from 17 years in insurance claims (claims and then fraud investigator) to teaching. I completed my SB 2042 MSC in May 2005, from CSUF. On our last day of the program, we were advised that the job market was tight. Here in Southern Calif., it has become much worse. Enrollments have been decreasing and budgets are very tight in the districts. I have only been able to work as a substitute, but by establishing contacts, have been kept pretty busy during school terms. But the spector of my preliminary credential expiring in 2010 has me very anxious.

It is my opinion that more than “a small percentage” of prelim credentials have been unable to find a position. If I had been able to take a 5th year of study to clear my credential on my own, I would have already done so. As it stands now, there is nothing I can do if I don’t find a position.

Commission Response: If Ms. Fernandez finds a position within the two years remaining on her preliminary credential but does not have time to complete induction, she may apply for the two-year extension proposed in these regulations. If Ms. Fernandez does not find such a position prior to the expiration of her current preliminary credential, she may apply for the three-year extension proposed in these regulations which will allow her additional time to find a position appropriate to completing the clear credential program. The two-year extension would be available to her after the three-year extension if needed. The fifth year of study is not available to Ms. Fernandez as she earned her preliminary credential after August 30, 2004.

3. Susana Fernandez, Special Services Manager, Orange County Office of Education

Staff Recommendation

Staff recommends that the Commission adopt the proposed amendment to California Code of Regulations §80413 pertaining to Specific Requirements for Preliminary and Clear Multiple and Single Subject Teaching Credentials for Applicants Prepared in California.

**CALIFORNIA CODE OF REGULATIONS
TITLE 5. EDUCATION
DIVISION 8. COMMISSION ON TEACHER CREDENTIALING**

**Proposed Amendments to 5 California Code of Regulations §80413 Pertaining Specific
Requirements for Preliminary and Professional Clear Multiple and Single Subject
Teaching Credentials for Applicants Prepared in California**

§80413. Specific Requirements for Preliminary and Professional Clear Multiple and Single Subject Teaching Credentials for Applicants Prepared in California.

- (a) The minimum requirements for the five-year preliminary multiple and single subject teaching credentials for California-prepared applicants shall include successful completion of all of the following:
- (1) A baccalaureate degree or higher degree, except in professional education, from a regionally accredited institution of higher education.
 - (2) ~~Passage of the California Basic Educational Skills Test (CBEST).~~ Meet the basic skills requirement as described in Education Code Section 44252, unless exempt by statutes or regulations.
 - (3) A Commission-approved multiple subject or single subject program of professional preparation, as appropriate to the credential sought as described in Education Code Section 44259(b)(3).
 - (4) Completion of a study of alternative methods of developing English language skills, including the study of reading, as provided in Education Code Section 44259(b)(4). In addition multiple subject applicants shall pass the reading instruction competence assessment as provided in Education Code Section 44283.
 - (5) Subject-matter knowledge:
 - (A) For a multiple subject credential, an applicant enrolled in a teacher preparation program prior to July 1, 2004 shall meet this requirement either by passage of an examination as provided in Education Code Sections 44280, 44281, and 44282 or by completion of a subject matter program as provided in Education Code Section 44310. An applicant enrolled in a teacher preparation program on or after July 1, 2004 shall meet this requirement by passage of an examination as provided in Education Code Sections 44280, 44281 and 44282.
 - (B) For a single subject credential, an applicant shall meet this requirement either by passage of an examination as provided in Education Code Sections 44280, 44281, and 44282 or by completion of a subject matter program as provided in Education Code Section 44310.
 - (6) Demonstration of knowledge of the Constitution of the United States as provided in Education Code Section 44335.
 - (7) Demonstration of basic competency in the use of computers in the classroom as provided in Education Code Section 44259(b)(7).
 - (8) ~~The recommendation from a regionally accredited institution of higher education that has~~ Verification of completion from a Commission-approved program accredited by the Committee on Accreditation in the preliminary credential sought, as provided in Education Code Sections ~~44227~~ 44373(c) and 44259(a)(3).

- (b) The minimum requirements for the ~~professional~~ clear multiple or single subject teaching credentials must be completed within five years from the initial date of the issuance of the preliminary credential. The requirements include, successful completion of all of the following:
- (1) Possession of a valid preliminary teaching credential.
 - (2) Effective August 30, 2004, completion of a Commission-approved program of beginning teacher induction as specified in Education Code Section 44259(c)(2). If a beginning teacher is eligible for induction but an employing agency verifies that induction is not available or the employing agency verifies that the beginning teacher is required under the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.) to complete subject matter course work to be qualified for a teaching assignment, the beginning teacher may complete a Commission-accredited fifth year program.
 - (3) A health education requirement, as provided in Education Code Section 44259(c)(4)(A).
 - (4) Special education training, as provided in Education Code Section 44259(c)(4)(B).
 - (5) Study of advanced computer-based technology, including the uses of technology in educational settings, as provided in Education Code Section 44259(c)(4)(C).
 - (6) Effective July 1, 2005 advanced study in the area of Teaching English Learners.
 - (7) An application for a ~~professional~~ clear multiple subject or single subject credential shall only be submitted by either (A) or (B) below:
 - (A) A Commission-approved induction program; or
 - (B) A regionally accredited institution of higher education with a Commission accredited fifth year.
- (c) All applicants for multiple subject and single subject ~~professional~~ clear credentials issued pursuant to Education Code Section 44259(c) with an issuance date on or after August 30, 2004 shall complete the requirements in subsection (b)(2) above.
- (d) The Commission may extend the term of the credential for a two-year period if the following conditions apply:
- (1) An individual's five-year preliminary time period has expired or will expire within one calendar year and the individual obtains employment in an employing agency as defined in subsection (f) which would allow the individual to complete the requirements in subsection (b).
 - (2) The individual submits the following to the Commission:
 - (A) Application and appropriate fee.
 - (B) Verification of employment from an employing agency in a position that allows the individual to complete the clear credential program.
 - (C) Verification of enrollment in a Commission-approved clear credential program.
 - (3) The extension may be issued only once, except in cases where the individual provides proof that verifies sufficient progress toward completion of the requirements.
- (e) The Commission may extend one time the term of the credential for a three-year period if the following conditions apply:

- (1) An individual's five-year preliminary time period has expired or will expire within one calendar year and the individual has not been employed in a position which would allow completion of the requirements in subsection (b).
- (2) The individual submits the following to the Commission:
 - (A) Application and appropriate fee.
 - (B) A signed statement by the individual which includes:
 - (i) Why the clear credential program was not completed in the five years while the preliminary credential was valid and a description of the plan to complete the requirements within the three year extension time period, and
 - (ii) Certification that he or she was not employed in a position for which the clear credential program was available or was employed for less than one school year and was not able to complete the clear credential program.

(f) Definitions:

- (1) The term "employing agency" as used in this section shall mean:
 - (A) Public school districts in California.
 - (B) County offices of education or county superintendents of schools in California.
 - (C) Schools that operate under the direction of a California state agency.
 - (D) Nonpublic, nonsectarian schools and agencies as defined in Education Code Sections 56365 and 56366.
 - (E) Charter Schools as established in Education Code Section 47600.
 - (F) Private schools.
 - (G) Juvenile court school.
 - (H) Juvenile or adult corrections.
- (2) A beginning teacher is one who is eligible to participate in a Commission-approved induction program.
- (3) The "clear credential program" as used in this section shall mean either completion of a Commission-approved induction program or Commission-accredited fifth year of study.

NOTE: Authority cited: Section 44225, Education Code. Reference: Sections 44227, 44251, 44252, 44259, 44259.5, 44280, 44281, 44283, 44310, ~~and~~ 44335, ~~and~~ 44373, Education Code.